

REMARKS

This amendment is in response to the Official Action mailed October 5, 2006. In the present paper, claim 28 is amended. Claims 19-26 are currently withdrawn from consideration. Claims 1-18 and 27-32 are now presented for consideration by the Examiner.

The Present Application

The present application is directed to a device for securing a circuit breaker actuator. As shown, for example, in FIG. 8 of the application as filed, the device includes an actuator guard 850 coupled to an actuator restrainer 860. The device is operable between first and second positions. In a first position of the device, an example of which is shown in FIG. 6, the circuit breaker actuator is manually moveable between pole positions. In a second position of the device, shown in FIG. 8, the actuator guard 850 is outside the operation zone of the actuator 875, the actuator guard prevents manual access to the actuator 875, the actuator restrainer 860 is positioned within the operation zone of the actuator 875 and the restrainer 806 resists manual manipulation of the actuator 875 between pole positions.

In the subject Official Action, the Examiner has rejected claims 1-13, 15-18, 27, 30 and 32 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,148,910 to Williams ("Williams"), has rejected claim 14 under 35 U.S.C. § 103(a) as unpatentable over Williams in view of U.S. Patent No. 5,577,599 to Turek et al., has rejected claims 28 and 29 as unpatentable over Williams in view of U.S. Patent No. 4,978,816 to Castonguay et al., and has rejected claim 31 as unpatentable over Williams in view of U.S. Patent No. 6,396,008 to Maloney et al. Applicant respectfully traverses those rejections for the reasons set forth below.

The Williams Patent

Williams discloses an apparatus for tagging a circuit breaker to indicate that work is being done on a circuit, and, when installed, to keep the circuit breaker in an open position (Williams, Abstract). The apparatus is meant to be removed from the breaker after use (*id.*).

The apparatus includes a closure P having a top plate 40 (FIG. 1, col. 2, lines 43-65). Extending downwardly from the top plate 40 is a connector sleeve 50, in which a contact finger 46 is inserted. Through a resilient padding 62, the contact finger 46 contacts the circuit breaker handle H when in the "OPEN" position shown in FIG. 2. The contact finger is not in a position to prevent the circuit breaker handle H from being moved to a "CLOSED" position. As shown in FIG. 3, the finger 46 is to the left and outside the operation zone of the handle H, which moves to the right.

The Williams apparatus also includes a camming structure C mounted to the closure P by a pivot pin 78 (FIG. 3; col. 3, lines 51-58). The camming structure C also has a padding cover 82 for contacting the breaker handle H.

Discussion

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicant respectfully submits that none of the independent claims of the present case are anticipated by Williams because Williams does not show each and every element set forth in those claims.

Claims 1-15

Independent claim 1 is directed to a device that includes an actuator guard coupled to an actuator restrainer. In rejecting claim 1, the Examiner has stated that the connector sleeve 50 of Williams corresponds to the actuator restrainer of claim 1, and that the top plate 40 of Williams corresponds to the substantially planar actuator guard of claim 1.

Initially, Applicant submits that neither the connector sleeve 50 of Williams, nor the contact finger 46 that is inserted in the connector sleeve 50, meet the limitations of claim 1 regarding the actuator restrainer, for at least two reasons:

First, neither of those components of Williams is ever “positioned substantially within the actuator operation zone,” as defined in claim 1. The operation zone of the actuator is explicitly demarcated within claim as “defined by movement of the actuator between a first pole and a second pole. Neither the connector sleeve 50 nor the contact finger 46 of Williams enter that zone. Instead, as shown in Williams FIG. 3, both those components are positioned to the left of the operation zone of the handle H, which moves to the right to a “closed” position.

Second, neither of those Williams components, upon direct contact with the circuit breaker actuator, “substantially resists manual manipulation of the actuator from the first pole to the second pole,” as required by claim 1. Instead, as clearly shown in FIG. 3 of Williams, the connector sleeve 50 and contact finger 46 would NOT prevent the circuit breaker handle H from manipulation from the “OPEN” position shown to a “CLOSED,” i.e., right-hand, position.

Applicants furthermore assert that the camming member C of Williams (FIGS. 1, 3) cannot be argued to correspond with the actuator restrainer of claim 1. Claim 1 requires that the actuator guard and actuator restrainer be “coupled.” For example, as shown in the figures of the

present application and discussed at paragraph [23], the actuator guard and actuator restrainer may be integrally formed. As clearly shown in FIG. 8 of the present application, the actuator guard 580 and actuator restrainer 860 must be “coupled” to prevent movement of the actuator 875.

The “coupled” actuator guard and actuator restrainer of claim 1 must operate without relative movement because they are claimed to comprise a “device” operable between “a first position” and “a second position.” That limitation would be meaningless if the actuator guard and actuator restrainer were permitted to move relative to one another.

In contrast to the “coupled” actuator guard and actuator restrainer of claim 1, the camming member C of Williams is not “coupled” to the remainder of the Williams apparatus. Instead, relative movement is permitted between the camming member C and the closure P by a pivot pin 78 (Williams, col. 3, lines 51-58).

For each of the above reasons, Applicant submits that the limitations of independent claim 1 are neither taught nor suggested by Williams. Applicant further submits that claims 2-15, which depend on claim 1 and incorporate its limitations, are patentable for at least the same reasons.

Claims 16-18

Independent claim 16 is directed to a device that includes a “means for restraining the actuator” coupled to an actuator guard. Those elements are claimed to have properties including several that are similar to those of the actuator guard and actuator restrainer of claim 1. For the reasons outlined above with reference to claim 1, Applicant submits that independent claim 16,

together with dependent claims 17 and 18 which incorporate the limitations of claim 16, are novel and patentable over Williams.

Claims 27-32

Independent claim 27 is directed to a system including a circuit breaker and a securement. The securement includes an actuator restrainer coupled to an actuator guard similar to the corresponding elements of claim 1. Applicant submits that claim 27 therefore distinguishes over Williams for at least the reasons outlined above with reference to claim 1.

Claim 27 further requires a “base component” in addition to the actuator restrainer and actuator guard. Williams discloses no such component, and Applicant submits that claim 27 is novel and patentable over Williams for that additional reason.

Applicant further submits that dependent claims 28-32 which incorporate the limitations of claim 27, are novel and patentable over Williams for the same reasons as claim 27.

Conclusion

Applicant therefore respectfully asserts that claims 1-18 and 27-32 are now in condition for allowance, and earnestly requests that the Examiner issue a Notice of Allowance.

Should the Examiner have any questions regarding the present case, the Examiner should not hesitate in contacting the undersigned at the number provided below.

Respectfully,

By 

Robert T. Canavan

Reg. No. 37,592

Telephone: 908-707-1568

Canavan & Monka LLC
250 State Route 28, Suite 207
Bridgewater, NJ 08807

Date: MARCH 5, 2007